

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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|-------------------|---|----------------------------|
| KENNETH HATLEN, |) | 3:12-cv-00534-LRH (WGC) |
| |) | |
| Plaintiff, |) | <u>MINUTE ORDER</u> |
| |) | February 21, 2013 |
| vs. |) | |
| |) | |
| GREG COX, et. al. |) | |
| |) | |
| Defendants. |) | |
| |) | |

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

The following motions filed by Plaintiff are currently pending:

- (1) Motion for Injunction, filed November 19, 2012 (Doc. # 13);
- (2) Motion for Injunction, filed November 19, 2012 (Doc. # 14);
- (3) Motion to Reconsider, filed November 21, 2012 (Doc. # 15);
- (4) Motion for Injunction, filed November 26, 2012 (Doc. # 16);
- (5) Motion for Injunction, filed December 5, 2012 (Doc. # 18);
- (6) Motion to Reconsider, filed December 13, 2012 (Doc. # 25);
- (7) Motion for Injunction, filed January 16, 2013 (Doc. # 38);
- (8) Motion for Urgent Response, filed February 4, 2013 (Doc. # 46);
- (9) Motion for Court Time, filed February 4, 2013 (Doc. # 47);
- (10) Motion to Order/Compel Injunction, filed February 4, 2013 (Doc. # 48);
- (11) Motion for Objection and Appt for Expert Medical Team, filed February 4, 2013 (Doc. # 49);
- (12) Motion for Injunction, filed February 4, 2013 (Doc. # 50);
- (13) Motion for Hearing (Doc. # 52), filed February 13, 2013;
- (14) Motion to Compel, filed February 14, 2013 (Doc. # 53); and
- (15) Motion to Reconsider, filed February 19, 2013 (Doc. # 56).

Also pending before the court is a Request for Status Conference and Motion to Stay Briefing on Plaintiff's Motions Pending Status Conference filed by the Attorney General's Office. (Doc. # 55.)

MINUTES CONT'D

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February 20, 2013

On January 25, 2013, Senior District Court Judge Larry R. Hicks issued a Screening Order which, among other things, stayed this action for a period of ninety days to allow the parties an opportunity to settle the dispute before the \$350 filing fee is paid, an answer is filed, or discovery begins. (See Doc. # 44 at 22 ¶ 2.) Plaintiff's application to proceed in forma pauperis is deferred until the time the stay is lifted, and at such time the \$350 fee will be payable immediately or in installments from a prison trust account depending on the court's determination of the application to proceed in forma pauperis. The stay will expire on April 25, 2013.

The Office of the Attorney General of the State of Nevada has entered a limited notice of appearance for purpose of settlement discussions. (Doc. # 54.) In its current motion, the Attorney General's Office argues that it should not have to respond to Plaintiff's pending motions when it has only entered a limited appearance for purposes of settlement negotiations and the filing fee has not yet been imposed on Plaintiff. (Doc. # 55.) They assert that Plaintiff is creating an end-run around the imposition of the stay and deferment of the filing fee and seeks to litigate his claims prematurely. They request a status conference regarding this issue.

The Attorney General's motion (Doc. # 55) is **GRANTED IN PART AND DENIED IN PART**. The court agrees that the Attorney General's Office should not have to respond to Plaintiff's pending motions while the stay is in effect. With respect to Plaintiff's motions that were filed prior to the time the stay was entered (Docs. ## 13, 14, 15, 16, 18, 25, and 38), the Attorney General's Office need **not** file a response. The Attorney General's Office shall still comply with the Screening Order (Doc. # 44 at 22 ¶ 2) in filing a report regarding the results of the 90-day stay. Once that report is filed, if the action is to proceed, the court will issue an order setting a date for the defendants to file an answer or other response, pursuant to the scheduling order, and will set a status conference to discuss briefing with respect the motions pending before entry of the stay.

With respect to the motions Plaintiff filed after entry of the stay (Docs. ## 46, 47, 48, 49, 50, 52, 53, and 56), these motions are **DENIED WITHOUT PREJUDICE** because they were filed in violation of the stay. If this action proceeds beyond the 90-day stay, Plaintiff may renew the appropriate motions at that time.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk